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Economic and Social Council

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Provisional summary record of the 37th meeting
Held at Headquarters, New York, on Friday, 22 July 2005, at 3 p.m.

President: Mr. Nesho (Vice-President) ..... (Albania)

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The meeting was called to order at 3.20 p.m.

Social and human rights questions (*continued*)

(f) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (E/CN.4/2005/16, 17, 20, 21, 22 and 125 and Corr.1)

(g) Human rights (E/2005/22, E/2005/23 (Part I), E/2005/L.34, E/CN.4/2005/L.10 and Add.1 to 17 and E/2005/65)

(h) Permanent Forum on Indigenous Issues (E/2005/43)

1. **The President** informed the Council that a corrigendum to the report of the Commission on Human Rights on its sixty-first session (E/2005/23 (Part I)), containing an additional draft decision for action by the Council and based on Commission resolution 2005/62 entitled "Convention on the Prevention and Punishment of the Crime of Genocide", would be issued the following week. Its programme budget implications were contained in document E/2005/L.34. The Council would take action on the draft resolution once it was available in all the official languages.

2. **Mr. N'Diaye** (Director, New York Office of the United Nations High Commissioner for Human Rights), introducing the report of the United Nations High Commissioner for Human Rights (E/2005/65), said that, in her report, the High Commissioner addressed the human rights dimensions of the Millennium Declaration, in particular, the mutually supporting nature of the Millennium Development Goals and the Declaration's human rights commitments. While the Millennium goal process provided an unprecedented opportunity to achieve the human rights of millions of people around the world, human rights provided the comprehensive and universally accepted framework for strategies to achieve the Goals. The High Commissioner devoted a large section of the report to analysing how human rights influenced such strategies, making a distinction between the human rights principles relevant to the process of employing a strategy (non-discrimination, meaningful participation, accountability and monitoring) and the human rights dimensions of the issues addressed by each specific Goal. With regard to the latter, she drew attention to the significant work already undertaken by the various human rights mechanisms. Recalling that the Secretary-General's report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005) underlined the connection between security, development and human rights, she concluded by highlighting the importance of the Millennium Declaration in strengthening the links between the international community's work on development, and its work on the promotion of human rights. In doing so, she called on the Council explicitly to recognize both the benefits and the obligations that human rights brought to efforts to reach the Millennium Development Goals.

3. Turning to the report of the Committee on Economic, Social and Cultural Rights on its thirty-second and thirty-third sessions (E/2005/22), he said that, at those sessions, the Committee had considered reports submitted by 10 States parties and draft general comments on the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant (article 3), the right to work (article 6) and the right of a person to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she was the author (article 15 (1) (c)). The Committee had also met with the Chairperson-Rapporteur of the open-ended Working Group of the Commission on Human Rights with a view to considering options regarding the elaboration of an optional protocol to the Covenant. The Committee was represented at the Working Group's sessions by one of its members. The Committee had also continued to explore ways of strengthening its cooperation with specialized agencies of the United Nations. For example, the Joint Expert Group of the Committee and UNESCO on the right to education had met during the Committee's thirty-second session, while during its thirty-third session the Committee had held a joint meeting with the ILO Committee of Experts on the Application of Conventions and Recommendations.

4. **Mr. Zhang** Yishan (China) said that, while the United Nations had achieved remarkable results in the human rights field, adopting a series of key international human rights instruments and establishing institutional mechanisms to examine human rights situations through the General Assembly, the Economic and Social Council and the Commission on Human

Rights, it was important not to lose sight of the formidable constraints and challenges that remained. While there was a divergence of views as to the content, process and modalities of the proposals in the Secretary-General's report (A/59/2005) aimed at reforming the United Nations human rights machinery, it was universally agreed that the "credibility deficit" of the Commission on Human Rights was cause for concern. There was widespread discontent with the Commission's existing problems of politicization, selectivity and double standards.

5. In his view, reforms must be conducive to objective and fair discussions of human rights issues. Double standards and selectivity had been on the increase in recent years and certain countries had used country-specific resolutions to name and shame developing countries, especially those that did not agree with them or were less compliant. Accusations in the Commission on Human Rights always originated from one group of countries and the accusing finger, like the needle of a compass, never failed to point South. Such practices inevitably gave rise to confrontation and antagonism and undermined the basis for joint efforts to promote human rights. For that reason, at the Commission's 2005 session, a number of countries had put forward proposals aimed at changing the modality of country-specific discussions. Some had proposed eliminating country-specific agenda items, others had proposed establishing thresholds and clear standards for such items, while still others had proposed introducing country-specific resolutions only when widespread and systematic gross human rights violations had occurred and other means had been exhausted. All those proposals merited careful consideration.

6. Under the Vienna Declaration and Programme of Action, all human rights were universal, indivisible, interdependent and interrelated. The long-established practice in the Commission of giving priority to civil and political rights over economic, social and cultural rights must therefore be rectified so as to ensure equal treatment of both categories of human rights. Furthermore, since all nations had the right to take part on an equal footing in United Nations activities in the human rights field and the promotion of human rights was the shared aspiration of all humankind, rather than the exclusive preserve of certain individual countries. Any new human rights body must have at least as large a membership as the current Commission and abide strictly by the principle of equitable geographical distribution. The current underrepresentation of the Asian and African countries must be rectified.

7. While his Government had always supported the work of the High Commissioner for Human Rights and was in favour of increasing the resources of the Office of the High Commissioner to enable it to perform its functions better, it also believed that, as a coordinating body for United Nations activities in the human rights field, the Office should give more attention to promoting dialogue, cooperation and communication among Member States and to fostering the capacity-building of developing countries in related areas. China remained ready to participate positively and constructively in consultations and to work with all sides to arrive at a reasonable and just reform programme on the basis of consensus.

8. **Mr. Parshikov** (Russian Federation) said that, without wishing to prejudice the outcome of discussions on the reform of the human rights machinery at the sixtieth session of the General Assembly, his delegation wished to caution against undue haste in reforming the Commission on Human Rights, not because reform was not needed, but because the process was far too serious to engage in reform for reform's sake. The promotion and protection of human rights played a crucial role in the work of the United Nations and acting overhastily or without thorough analysis could exacerbate, rather than solve, problems. Before changing the status of the Commission which the Russian Federation had itself criticized in the past, it was important to analyse all the consequences of such a step, including for the functioning of the Economic and Social Council. Although the Commission's most recent session had been less contentious and politicized than in previous years, it was too early to speak of the reduction in North-South confrontation as a general trend. Like the representative of China, he believed it was necessary to move away from condemnation to dialogue based on equality and mutual respect.

9. A number of important outcomes of the Commission's sixty-first session, in particular the initiative to appoint an independent expert on minority issues, the adoption of resolution 2005/35 entitled "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law",

the decision to recommend to the Council that a compilation of all the reports submitted to date by the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on terrorism and human rights should be published as a United Nations publication and the decision to request a new initial version of the pre-draft declaration on human social responsibilities (E/CN.4/2003/105, annex I), would help enhance the international promotion and protection of human rights.

10. His delegation recognized the importance of the outcome document of the forty-ninth session of the Commission on the Status of Women but considered the increasingly confrontational approach in dealing with communications and the use of gender issues to put political pressure on individual countries to be unacceptable. The Commission should be focusing on the advancement of women. As for the future work of the Working Group on Communications, there were no legal grounds for transferring communications, under the 1503 procedure, from the Office of the United Nations High Commissioner for Human Rights to the Division for the Advancement of Women. The proposal to broaden the Working Group's monitoring mandate by increasing the number of sources of information and giving the Group a mandate to seek clarification from the authors of communications and the corresponding national Governments was unacceptable.

11. His Government viewed positively the visit made by Ms. Ertürk, Special Rapporteur on violence against women, its causes and consequences to Russia in December 2004, during which she had been informed of federal and regional measures to combat violence against women. Turning to the document entitled "Organizational Assessment: UNIFEM Past, Present and Future" (A/60/62), he believed that the recommendations contained therein should be considered by the UNDP/UNFPA Executive Board. His delegation stressed the importance of the Declaration adopted at the forty-third session of the Commission for Social Development for providing additional impetus to national Governments in implementing the Copenhagen commitments in conjunction with the Millennium Development Goals. Lastly, his delegation viewed positively the fifth session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, which had made progress on substantive issues, and therefore opposed suggestions to expedite the conclusion of its work, as that might undermine the quality of the draft Convention and reduce support from interested countries.

Recommendations contained in the report of the Permanent Forum on Indigenous Issues on its fourth session (E/2005/43)

12. **The President** invited the Council to take action on the three draft decisions contained in the report of the Permanent Forum on Indigenous Issues on its fourth session (E/2005/43).

Draft decision I, entitled "International expert group meeting on the Millennium Development Goals, indigenous participation and good governance" (E/C.19/2005/L.11)

13. **Mr. Khane** (Secretary of the Council) said that an oral statement of programme budget implications concerning draft decision I had been presented at the fourth session of the Permanent Forum on Indigenous Issues. In that statement, the Secretariat had informed the Forum, inter alia, that the need for an additional appropriation of $179,800 (at 2004-2005 rates) to provide conference services to the international expert group meeting called for in the draft decision would be dealt with in accordance with the procedures established in General Assembly resolutions 41/213 and 42/211. The Secretariat had subsequently reviewed the services requested for the proposed meeting and determined that, consistent with established practice, conference services for meetings of that nature would be provided on an "as available" basis. Consequently, the Secretariat wished to inform the Council that there would be no programme budget implications if draft decision I was adopted.

14. *Draft decision I was adopted.*

Draft decision II, entitled "Venue and dates for the fifth session of the Permanent Forum on Indigenous Issues" (E/C.19/2005/L.12)

15. *Draft decision II was adopted.*

Draft decision III, entitled "Provisional agenda and documentation for the fifth session of the Permanent Forum on Indigenous Issues" (E/C.19/2005/L.4)

16. *Draft decision III was adopted.*

17. **Ms. Zack** (United States of America) said that the provisional agenda in document E/C.19/2005/L.4 should refer to "internationally agreed development goals, including those contained in the Millennium Declaration". Her delegation wished to emphasize that only some of the goals referred to in item 3 of the provisional agenda and the associated footnote had been agreed by Member States in the Millennium Declaration. Moreover, the indicators contained in the Secretary-General's report entitled "Road map towards the implementation of the United Nations Millennium Declaration" (A/56/326) had not been endorsed in an intergovernmental process and her delegation objected to some of them. Some of those indicators could be best developed from data at the national level, while others fell reasonably within the purview of international organizations. For those reasons, while her delegation had not requested a vote on draft decision III, it could not subscribe fully to the provisional agenda contained therein.

Recommendations contained in the report of the Commission on Human Rights on its sixty-first session (E/2005/23 (Part I))

18. **The President** said that it was his understanding that the Council wished to defer action on the recommendations contained in the report of the Commission on Human Rights on its sixty-first session (E/2005/23 (Part I)) until the following week.

19. *It was so decided.*

The meeting rose at 3.55 p.m.